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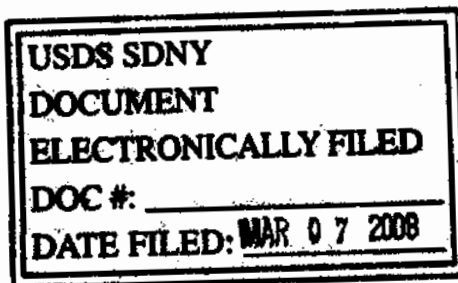
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March 6, 2008



VIA E-MAIL: [CrottyNYSDChambers@nysd.uscourts.gov](mailto:CrottyNYSDChambers@nysd.uscourts.gov)  
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Hon. Paul A. Crotty  
Judge, United States District Court  
Southern District of New York  
500 Pearl Street  
Chambers Room 735  
New York, New York 10007

Re: Theodore F. Johnson v. Debra A. James, et al - Case No. 08-CV-00032 (PAC)

Honorable Sir:

In connection with the captioned matter, my firm is counsel to defendant Fidelity National Title Insurance Company ("Fidelity"). I write to request additional time in which to move to dismiss the complaint.

I had sent a letter to the Court on February 7, 2008 asking for a conference on Fidelity's potential motion to dismiss the action for legal insufficiency. Much to my embarrassment, I learned only this afternoon that the Court had filed a letter order on February 21, setting today as the last day to move to dismiss the action. In that regard, I did not receive the order. It was apparently e-mailed to me, but I suspect was filtered out by my e-mail system's spam blocker. I spoke to the Court's deputy, Marlon Ovalles, a few minutes ago and understand that I should also have been consulting the Court's electronic filing system. I apologize for my lapse. That said, I respectfully request an additional three weeks to move to dismiss the complaint.

March 7, 2008

Respectfully submitted,

*James E. Schwartz*  
James E. Schwartz

\*Application Granted. Defendant Fidelity National Title Insurance shall file and serve its motion to dismiss by March 27, 2008. Plaintiff's opposition to all motions to dismiss shall be filed and served by April 17, 2008 not March 27, 2008. All defendants shall file and serve reply briefs by April 28, 2008.

So Ordered

*Paul A. Crotty*  
Paul A. Crotty  
United States District Judge

Copies Mailed By Chambers

MEMO ENDORSED

MEMO ENDORSED

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